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APPLICATION N	0.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,884		07/07/2003	Garry Tsaur	-	8934
29745	7590	04/05/2006		EXAM	INER
JOE NIE			RICCI, JOHN A		
18760 E. AMAR ROAD #204 WALNUT, CA 91789				ART UNIT PAPER NUMBER	
				3711	
			DATE MAILED: 04/05/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Estanciano for this many be available under the provision of 37 CRT 1:300, into event, however, may a reply be timely filled.  If NO period for reply is specified above, the maximum statutory partial value apply and will easier SIX (5) MONTHS from the mailing date of this communication.  Failur to reply within the sist or exemended period for righy will, by statute, cause the application for some ABANDORIGO 51 US U. S. 6, 133).  Any reply received by the Office lister than these months after the mailing date of this communication, even if timely filled, may reduce any seamed parent man abustiment. See 37 CPR 1.74(1).  Status  1) Responsive to communication(s) filled on 17 January 2006.  2a) This action is FINAL.  2b) This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  Claim(s) 1-4 and 9-16 is/are rejected.  Claim(s) -4 and 17-20 is/are objected to.  8) Claim(s) -4 and 17-20 is/are objected to.  8) Claim(s) -4 and 17-20 is/are objected to.  8) Claim(s) 5-8 and 17-20 is/are objected to.  8) Claim(s) -5 and 17-20 is/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) Certified copies of the priority documents have been received in Application No.  Certified copies of the priority docum			
Examiner   Sohn Ricci   Sohn Ri	•	Application No.	Applicant(s)
John Ricci   3711		10/614,884	TSAUR, GARRY
The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Edenticate of time may be waiting under the previous of 37 CPR 1:180(i) in the event however, may a reply be finally filed.  If NO period for reply is appelled above, the maximum statutory parted will apply and will expire SIX (5) MONTHS from the mailing date of this communication. Pealur to reply within the stor centended period for righy will, by statuke, cause the application to communication of this communication. Pealur to reply within the stor centended period for righy will, by statuke, cause the application covered hatNonDevil 51 US C. 5, 133. Any reply repolated by the Office lister than these months effort from mailing date of this communication, even if timely filed, may reduce any secret dysteric term adjustment. See 37 CPR 1.740().  Status  1) □ Responsive to communication(s) filed on 17 January 2006.  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5 □ Claim(s) 1-20 is/are allowed.  5 □ Claim(s) 1-20 is/are allowed.  6 □ Claim(s) 1-20 is/are allowed.  6 □ Claim(s) 1-20 is/are allowed.  7 □ Claim(s) 1-20 is/are allowed.  8 □ Claim(s) 1-20 is/are allowed.  9 □ The specification is objected to by the Examiner.  Application Papers  9 □ The specification is objected to by the Examiner.  10 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers 1-20 is/are objected to by the Examiner.  10 □ The objected to the priority documents have been received in	Office Action Summary	Examiner	Art Unit
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time many law available under the approximant of 37 CPR 1.136(s). In no event, however, may a reply be atmely filed.  - If No period for may is specified above, the manimum station period will spy and will expire (s) (9 MONTH'S from the mailing date of this communication.  - Failure to reply writher the set or extended period for right will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office inter than there mortise at the tree value of the communication, even if timely filed, may reduce as any accordance term adherinant. Set 37 CPR (1740(s)).  - Status  1) Responsive to communication(s) filed on 17 January 2006.  2a) This action is FINAL.  - 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 Is/are pending in the application.  4a) Of the above claim(s)		John Ricci	3711
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Upon further consideration, the indicated allowability of some claims has been withdrawn.

\* \* \* \* \* \*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Charatan 4,836,227.

Charatan shows a oral hygiene device having a hollow tubular housing with two blunt ends; a weakened opening means 15; and dental floss 30 affixed to the two ends (Figures 1, 2). A dentifrice liquid or cream 104 may be contained in the housing.

(Although ends 16, 18 converge, the ends are disclosed as being closed, not pointed (column 5, lines 39-45). An embodiment in which the end is pointed, though, is shown in figure 9.)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 & 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charatan in view of Neves 6,102,051.

Charatan shows an oral hygiene device including a housing with two ends 12, 14; a weakened opening means 15; and a length of dental floss 30 affixed to the two ends; a dentifrice liquid or cream 104 may also be contained in the housing. However, Charatan does not show an elongated pointed toothpick in the housing. One would recognize that addition of a toothpick to the floss would be a more effective oral hygiene device. For example, Neves shows that an oral hygiene device may include a housing 35 with a toothpick 28 and floss 32 therein. One would recognize that addition of this toothpick to the device of Charatan would be more effective than the floss alone. It would have been obvious to one of ordinary skill in the art to provide the device of Charatan with a toothpick, as suggested by Neves.

\* \* \* \* \* \*

Claims 5-8 & 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if

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rewritten in independent form including all of the limitations of the base claim and any intervening claims.

This letter was prepared by Examiner John Ricci, who can be reached at:

Voice: 571-272-4429

Fax: Use 571-273-8300 for papers to be delivered directly to the mail room, like formal amendments and responses, change of address, power of attorney, petitions.

Use 703-783-0439 for papers to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and Fax.

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JOHN RICCI PRIMARY EXAMINER ART UNIT 3711

John Mi